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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,759	01/30/2004	Rana Dutta	770-011320-US (PAR)	7076

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FAIRFIELD, CT 06824

EXAMINER
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JABR, FADEY S

ART UNIT	PAPER NUMBER
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3628

MAIL DATE	DELIVERY MODE
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07/09/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/768,759	<b>Applicant(s)</b> DUTTA ET AL.	
	<b>Examiner</b> Fadey S. Jabr	<b>Art Unit</b> 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the current drawings are not comprehensible. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

## **INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

### **Replacement Drawing Sheets**

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and within the top margin.

### **Annotated Drawing Sheets**

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

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### **Timing of Corrections**

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per **Claim 8**, the recitation, "operably connected," is vague and indefinite. It is unclear to the Office what the applicant indicates by the term operably. Appropriate correction is required in the indicated claims and any subsequent claims.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reisinger, Pub. No. US2002/0013773 A1 in view of Asanuma et al., JP No. 2001225025 A, hereinafter referred to as Reisinger and Asanuma.

As per Claims 1-11 and 13, Reisinger discloses a mailing machine comprising:

- a franking device having a franking head and a mail feeder being adapted to feed the mail items to the franking head (see Figures 1-11);
- a user interface operably connected to the franking device (0060, also see Figure 11);
- circuitry interfacing the user interface to the franking device (0060, also see Figure 11);

Reisinger fails to disclose a detachable first cover for covering at least a portion of at least one of the franking device, feeder, or circuitry; and a detachable second cover having an appearance different than the detachable first cover and being interchangeable with the first cover. However, Reisinger does disclose the letter-feeding opening is laterally bounded by a transparent plate and the guide plate (0060, also see Figures 1-11). Furthermore, Asanuma teaches a postal sorter with an accumulation part that is covered by a transparent cover capable of opening and shutting. Lighting is fitted within a module in such a manner that lighting is automatically turned on when mails are diverged from the transporting route. When trouble occurs in the transport of mail, quick action to cope with the trouble is possible because lighting is automatically turned on (see Problem to be solved and Solution). Moreover, Asanuma teaches a postal sorter and the like which is convenient to being in the parts and assemble so that installation at a medium or small size post office as well as the operation with low noise and high safety is possible (see Problem

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to be solved). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Reisinger and include a transparent cover as taught by Asanuma, because it allows quick action to cope with the trouble within the system. Further, Reisinger discloses the claimed invention except for the transparent and detachable cover which is merely a design choice. It would have been obvious to one having ordinary skill in the art at the time the invention was made to allow for any transparent cover or fastener color that the inventor desired. In *re Kuhle*, 526 F.2d 553, 555, 188 USPQ 7, 9 (CCPA 1975). The use of different transparent materials to view the inner workings of a device and the use of different color parts is old and well known in the art. Further, the use of a transparent cover and/or different color parts in the applicant's invention is a mere aesthetic choice and lacks any criticality for use of the transparent cover. Viewing of an interior portion of a device is obvious as evidenced by Asanuma and would have been obvious to any one of ordinary skill.

The specific components of the applicant's disclosed system are only found in the non-functional descriptive material and are not functionally involved in the system components recited. The providing of a transparent cover or colored fasteners would be performed the same regardless of the descriptive material since none of the components explicitly interact therewith. In other words, the specific components of the applicant's disclosed mailing machine would only mean something to a person creating the system after the system is complete. Limitations that are not functionally interrelated with the useful acts, structure, or properties of the claimed invention carry little or no patentable weight. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Ngai*, 70 USPQ2d 1862 (CAFC 2004); *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In*

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*re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would also have been obvious to a person of ordinary skill in the art at the time of applicant's invention to include any transparent cover or structural component already found in a mailing machine because such components do not functionally relate to the components in the system claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

As per **Claim 12**, Reisinger fails to disclose a third cover, wherein the third cover has another viewing area of transparent or semi-transparent material, and wherein the other viewing area is disposed to allow viewing of a different interior portion of the mailing machine, other than a portion of the user interface, through the other viewing area. However, Reisinger discloses a transparent plate (0060). Further, Asanuma teaches an accumulation part with a transparent cover (see Solution). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Reisinger and include a transparent cover showing the interior of any portion of a device as taught by Asanuma, because it allows quick action to cope with the trouble within the system. Further, Reisinger discloses the claimed invention except for the transparent cover of another portion which is merely another design choice. It would have been obvious to one having ordinary skill in the art at the time the invention was made to allow for any transparent cover of any portion of the system that the inventor desired. In *re Kuhle*, 526 F.2d 553, 555, 188 USPQ 7, 9 (CCPA 1975).

6. Claims **14-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Reisinger in view of Engstrom et al., Pub. No. US2004/0132492 A1, hereinafter referred to as Engstrom.

As per **Claim 14-19**, Reisinger discloses a mailing machine, comprising:

- a frame holding at least one operable section of the mailing machine, the at least one section being at least one of a franking section having a franking head, a feed section, or a circuitry section (see Figures 1-11);
- a user interface connected to the frame (0060, also see Figure 11);
- a first cover connected to the frame and covering a portion of the at least one section (see Figures 1-11).

Reisinger fails to disclose an overlay cover, the overlay cover covering a portion or all of the first cover; wherein, the overlay cover is removable and replaceable with a different overlay cover with a different predetermined characteristic than the overlay cover, wherein the overlay has a different color or that another section is visible through the viewing area. However, Engstrom teaches an interchangeable covering additions to a mobile communication device for display and key reorientation. Engstrom teaches the covering contains a display area either left open or comprised of a transparent material (0043, 1A-B, 9A-10B). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Reisinger and include interchangeable overlays for a system, because it allows the user to customize the look and configuration of their device.

Further, Reisinger discloses the claimed invention except for the overlay which is merely a design choice. It would have been obvious to one having ordinary skill in the art at the time the invention was made to allow for any overlay covering and color that the inventor desired. In re Kuhle, 526 F.2d 553, 555, 188 USPQ 7, 9 (CCPA 1975). The use of different overlay coverings with a different color for a device is old and well known in the art. Further, the use of



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an overlay covering in the applicant's invention is a mere aesthetic choice and lacks any criticality for use of the overlay cover.

The specific components of the applicant's disclosed system are only found in the non-functional descriptive material and are not functionally involved in the system components recited. The providing of a overlay cover and even a different color overlay would be performed the same regardless of the descriptive material since none of the components explicitly interact therewith. In other words, the specific components of the applicant's disclosed mailing machine would only mean something to a person creating the system after the system is complete. Limitations that are not functionally interrelated with the useful acts, structure, or properties of the claimed invention carry little or no patentable weight. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Ngai*, 70 USPQ2d 1862 (CAFC 2004); *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would also have been obvious to a person of ordinary skill in the art at the time of applicant's invention to include any color overlay cover or structural component already found in a mailing machine because such components do not functionally relate to the components in the system claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reisinger in view of Engstrom as applied to claim 14 above, and further in view of Asanuma.

As per **Claim 20**, Reisinger fails to disclose a fourth cover, wherein the fourth cover has another viewing area of transparent or semi-transparent material, and wherein the other viewing area is disposed so that a different interior portion of the at least one section is visible through the other viewing area. However, Reisinger discloses a transparent plate (0060). Further, Asanuma teaches an accumulation part with a transparent cover (see Solution). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Reisinger and include a transparent cover showing the interior of any portion of a device as taught by Asanuma, because it allows quick action to cope with the trouble within the system. Further, Reisinger discloses the claimed invention except for the transparent cover of another portion which is merely another design choice. It would have been obvious to one having ordinary skill in the art at the time the invention was made to allow for any transparent cover of any portion of the system that the inventor desired. In re Kuhle, 526 F.2d 553, 555, 188 USPQ 7, 9 (CCPA 1975).

### ***Conclusion***

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

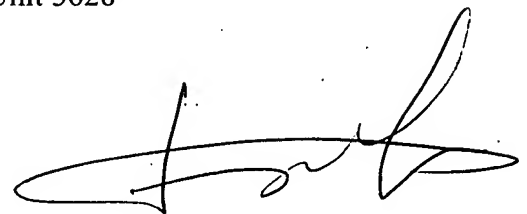
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fadey S. Jabr whose telephone number is (571) 272-1516. The examiner can normally be reached on Mon. - Fri. 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fadey S Jabr  
Examiner  
Art Unit 3628

FSJ

A handwritten signature in black ink, appearing to read 'Igor N. Borissov', with a stylized, elongated horizontal stroke at the end.

IGOR N. BORISSOV  
PRIMARY EXAMINER

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